

Remarks

Claims 1-5, 7, 8, and new claims 17-20 are pending. Withdrawn claims have been cancelled without prejudice or disclaimer. The amendment in Claims 1 and 8 is based on previously presented (now cancelled) Claims 6 and 15 and on page 6, paragraph 2. New Claims 17-20 are based on previously presented Claims 2, 3, 4 and 7. No new matter is introduced into the claims by these amendments.

Applicants appreciate the Examiner's thoroughness, but respectfully submit that Applicants have indeed properly used their trademark. The application refers to ethylcelluloses, stating "Various grades are commercially available under the trademark ETHOCEL." The MPEP is clear that language "such as 'the product X (a descriptive name) sold under the trademark Y' is permissible." MPEP 608.01(v).

The rejection of certain claims as being unpatentable over Schulz (US 6,261,218), Keary (US 6,294,008), Pyle (US 2,711,965), and Savage (US 3,728,331), is now moot by amendment.

To facilitate prosecution, Applicants wish to point out that amended claims 1 and 8 reflect the surprising finding of the Applicants that the depolymerized ethylcellulose can be packaged without a neutralization step after depolymerization and the depolymerized ethylcellulose still has an unexpectedly high shelf life. Page 6, paragraph 2 of the present patent application describes that the viscosity of the depolymerized cellulose ether is surprisingly stable, even if some or all of the utilized hydrogen chloride is still present:

Preferably, depolymerized ethylcellulose is packaged without a neutralization step after depolymerization. By avoiding a neutralization step before the depolymerized ethylcellulose is packaged for transportation and usage, contamination with a basic compound can be avoided. Surprisingly it has been found that the depolymerized ethylcellulose has an unexpectedly high shelf life, even if some or all of the used hydrogen chloride is still present in the depolymerized ethylcellulose. Over 4 months under storage at 4 °C, a viscosity drop of less than 1.5% of the final viscosity is observed.

In contrast, Schulz, Keary and Pyle all teach away from the presently claimed invention.

Schulz teaches neutralization following depolymerization (*col.5, l. 17-20*). Keary et al. teach partial or substantial neutralization as a mandatory step (*claim 1, step g*) and *column 1, lines 65-66*). Pyle does not even teach a depolymerization process at all.

Moreover, the presently claimed process and the processes taught by Schulz and Keary relate to depolymerization by hydrogen halide, i.e. a strong acid. Typically, the acids are de-activated by neutralization, as taught by Schulz and Keary. Savage is limited to treatment with hydrogen peroxide. There can be no neutralization, but the teaching of Savage makes it clear that the hydrogen peroxide is de-activated (decomposed by heat treatment). *See col. 3, lines 53-57* ("to eliminate residual peroxides and provide a stable viscosity grade product, the treated cellulose ether should be heated shortly after blending with the peroxide to about 50-150°C for a time sufficient to decompose essentially all the peroxide."). The packaging taught in column 3, lines 66-68 follows the peroxide decomposition taught in column 3, lines 53-57. Accordingly, Schulz, Keary, and Savage all teach deactivation of the agent used for depolymerization, and thus teach away from the present invention as claimed in the amended claims.

For similar reasons, Applicants submit that the now moot nonstatutory obviousness-type double patenting rejections should not be reapplied, as they all teach neutralization.

The Examiner is cordially invited to call the undersigned if it will facilitate prosecution.

Respectfully submitted,

Date: May 9, 2008

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